



## Tribunals Ontario

Human Rights Tribunal of Ontario

655 Bay Street, 14<sup>th</sup> Floor  
Toronto ON M7A 2A3  
Tel: 416-326-1312 or 1-866-598-0322  
Fax: 416-326-2199 or 1-866-355-6099  
TTY : 416-326-2027 or 1-866-607-1240  
E-mail: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)  
Website: [www.sjto.gov.on.ca](http://www.sjto.gov.on.ca)

## Tribunaux décisionnels Ontario

Tribunal des droits de la personne de l'Ontario

655 rue Bay, 14<sup>e</sup> étage  
Toronto ON M7A 2A3  
Tél.: 416-326-1312 ou 1-866-598-0322  
Télééc.: 416-326-2199 ou 1-866-355-6099  
TTY: 416-326-2027 ou 1-866-607-1240  
Courriel: [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)  
Site Web: [www.sjto.gov.on.ca](http://www.sjto.gov.on.ca)

HRTO FILE: **2020-41858-I**

November 10, 2020

Township of Emo  
c/o Bridget Foster  
39 Roy Street PO Box 520  
Emo, Ontario P0W 1E0  
Via email: [bfoster@emo.ca](mailto:bfoster@emo.ca)

Cambridge LLP  
c/o R. Douglas Elliott  
31 Nova Scotia Walk Unit 307  
Elliot Lake, Ontario P5A 1Y9  
Via email: [delliott@cambridgellp.com](mailto:delliott@cambridgellp.com)

Harold McQuaker  
PO Box 105  
Fort Frances, Ontario P9A 3M5  
Via email: [hmcquaker@emo.ca](mailto:hmcquaker@emo.ca)

Harold Bowen  
PO Box 105  
Fort Frances, Ontario P9A 3M5  
Via email: [hboevn@emo.ca](mailto:hboevn@emo.ca)

Warren Toles  
PO Box 105  
Fort Frances, Ontario P9A 3M5  
Via email: [wtoles@emo.ca](mailto:wtoles@emo.ca)

**RE: Borderland Pride, the Northern Ontario Pride Network, Douglas  
W. Judson and Katie Shoemaker v. The Township of Emo, Harold  
McQuaker, Harold Boven and Warren Toles**

**Subject: Notice of Application**

A legal proceeding has been commenced at the Human Rights Tribunal of Ontario (HRTO). The Application, filed by Borderland Pride c/o Douglas Judson on **June 19, 2020**, has been assigned HRTO File number **2020-41858-I**. The HRTO file number must be included on all your correspondence and any documents filed with the HRTO.

The applicant names Township of Emo, Harold McQuaker, Harrold Boven and Warren Toles as respondents to the Application.

**By December 15, 2020 the respondents must file a Response (Form 2).**

You, your representative and your witnesses are entitled to accommodation of any *Human Rights Code*-related needs. The HRTO's Policy on Accommodation and Accessibility is available at <http://www.sjto.gov.on.ca/hrto/accessibility-and-accommodations>. Notify the Registrar as soon as possible if accommodation is required.

The HRTO's Rules of Procedure, Guides, Practice Directions and Policies are available on our website, [sjto.ca/hrto](http://sjto.ca/hrto), or by contacting the HRTO by email at [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca), by phone (416-326-1312 or toll free 1-866-598-0322, TTY 416-326-2027 or TTY toll free 1-866-607-1240), or in person at 655 Bay Street, 14<sup>th</sup> floor, Toronto, Ontario, M7A 2A3. These documents are available in a variety of accessible formats.

## **CONTACT INFORMATION**

The HRTO will send information to the address you have provided to us. If your contact information changes, you must immediately advise the HRTO and the other parties. We may send you directions before the hearing that require you to take action, so be sure to check your e-mail and mail regularly. If an applicant fails to respond, the Application may be dismissed. If a respondent fails to respond, he or she may lose the ability to present a defence.

## **FILING DOCUMENTS WITH THE HRTO**

All written communications must be addressed to the Registrar. Any documents, including emails, **must** be copied to the other parties before being filed with the HRTO. The HRTO will not accept any materials unless you confirm that they have been copied to the other parties (Rules 1.12 and 1.20)

Our computer system requires that documents filed with the HRTO as email attachments must be less than 10 Mb in any one email. (Rule 1.17(c)).

**You must file a paper and an electronic copy of any bound documents.**

Sincerely,

A handwritten signature in cursive script that reads "L. Sciarra".

Lorissa Sciarra  
Registrar

## **IMPORTANT INFORMATION FOR THE APPLICANT**

The HRTO has delivered your Application to the respondents named in the Application and to any organization or person named as an affected person in the Application.

The respondents will have thirty-five days to file a Response to the Application. After reviewing the Response for completeness the HRTO will deliver a copy of the Response to you.

Rule 9.1 of the HRTO's Rules of Procedure requires an applicant who intends to prove a version of the facts different from those set out in a Response to deliver and file a Reply (Form 3) setting out the different version, unless that version of facts is already set out in the Application. An applicant may also file a Reply to respond to new matters raised in the Response or may elect not to file Reply.

If you named your bargaining agent as affected party Rule 11.14 of the HRTO's Rules of Procedure provides it with the right to intervene in your Application if it completes and files a Notice of Intervention by Bargaining Agent (Form 28)

If you named another person or organization as an affected party in your Application, the affected party has thirty-five days to deliver a Request to Intervene (Form 5). You will have an opportunity to respond to that Request.

## **IMPORTANT INFORMATION FOR THE RESPONDENTS**

The HRTO has received an Application that names you as a respondent. A copy of the Application is attached.

To respond to the Application, you must file a completed Response (Form 2) with the HRTO **no later than December 15, 2020**. You must include the HRTO File number **2020-41858-I** on your Response and on all documents and materials filed with the HRTO. You may wish to review the HRTO's Rules of Procedure, Guides and Practice Directions, all available on the HRTO's website at [sjto.ca/hrto](http://sjto.ca/hrto), before completing your Response. A SmartForm version of the Response form is available on the HRTO website that can be completed and submitted online.

Your Response will be reviewed for completeness before being delivered to the applicant. A complete Response must provide the information requested in each section of the Form 2, respond to each allegation set out in the Application, and must also include any additional facts and allegations on which you rely. The HRTO may not permit you to present evidence or make submissions with respect to a fact or issue that was not raised in your the Response.

If you fail to respond to the Application, the HRTO may deem you to have accepted all of the allegations in the Application, deem you to have waived all rights with respect to further notice or participation in the proceeding, proceed to deal with the Application without further notice to you and decide the matter based only on the material before the HRTO.

Once your Response is accepted by the HRTO for processing, the HRTO will deliver it to the applicant, to any other respondent(s) and to any organization or person identified as an affected party.

HRTO forms are available on the HRTO's website, or by request by email, [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca), phone (416-326-1312, toll-free 1-866-598-0322, TTY 416-326-2027 or TTY toll-free 1-866-607-1240), or in person from our office at 655 Bay St., 14<sup>th</sup> Floor, Toronto, ON, M7A 2A3. These forms are available in a variety of accessible formats.

## D'Silva, Lisamarie (MAG)

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**From:** Tim Phelan <tphelan@cambridgellp.com>  
**Sent:** June-19-20 2:37 PM  
**To:** HRT0-Registrar (MAG)  
**Cc:** Doug Elliott; Borderland Pride; Lynn Thomas  
**Subject:** Application Package  
**Attachments:** (2020-06-19) Form 1 .pdf; Sched A.docx; Applicant List.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Dear Sir or Madam:

Please see the attached Form 1 Application to the HRT0. This package includes the Form 1, Schedule "A" (detailing facts, relief sought, and law to be relied on), and a list of the Applicants making this Application.

Please confirm receipt of this email, and that the documents are accessible to you.

Thank you,



**Timothy J.L. Phelan** | 705-578-5080 ext. 203  
Student-at-Law

[tphelan@cambridgellp.com](mailto:tphelan@cambridgellp.com) | [www.cambridgellp.com](http://www.cambridgellp.com)  
[Click here](#) to receive our valuable firm e-bulletins.

**ELLIOT LAKE OFFICE:** Suite 307, 31 Nova Scotia Walk | Elliot Lake, Ontario, CANADA P5A 1Y9  
Phone: 705-578-5080 | Toll Free Phone: 1-877-675-7318 | Fax: 705-578-3641

**CONFIDENTIALITY NOTE:** This message and any attachments are intended only for the addressee(s) and may contain privileged or confidential information. If you received this message in error, please notify us immediately and we will correct our original message and any attachments and destroy all copies. Thank you.

Before printing, please think about the Environment!



# Human Rights Tribunal of Ontario

## Application under Section 34 of the *Human Rights Code* (Form 1)

(Disponible en français)

[www.hrto.ca](http://www.hrto.ca)

### How to Apply to the Human Rights Tribunal of Ontario

#### Before you start:

1. Read the questions and answers below to find out if the Human Rights Tribunal of Ontario (the Tribunal) has the ability to deal with your Application.
2. Download and read the **Applicant's Guide** from the Tribunal's web site [www.hrto.ca](http://www.hrto.ca). If you need a paper copy or accessible format, contact us:

Human Rights Tribunal of Ontario  
655 Bay Street, 14th floor  
Toronto, Ontario  
M7A 2A3

Phone: 416-326-1312 Toll-free: 1-866-598-0322

Fax: 416-326-2199 Toll-free: 1-866-355-6099

TTY: 416-326-2027 Toll-free: 1-866-807-1240

Email: [HRTO.Registrar@ontario.ca](mailto:HRTO.Registrar@ontario.ca)

Website: [www.hrto.ca](http://www.hrto.ca)

The Tribunal has other guides and practice directions to help all parties to an Application understand the process. Download copies from the Tribunal's website or contact us.

3. Complete each section of this Application form. As you fill out each section, refer to the instructions in the Applicant's Guide.

#### Getting help with your application

For free legal assistance with the application process, contact the **Human Rights Legal Support Centre**.

Website: [www.hrisc.on.ca](http://www.hrisc.on.ca), Mail: 180 Dundas Street West, 8th floor, Toronto, ON M7A 0A1, Tel: 416-597-4900,

Toll-free 1-866-625-5179, Fax: 416-597-4901, Toll-free 1-866-625-5180, TTY 416-597-4903, Toll-free 1-866-612-8627.

#### Questions About Filing an Application with the Tribunal

The following questions and answers are provided for general information. They should not be taken as legal advice or a determination of how the Tribunal will decide any particular application. For legal advice and assistance, contact the **Human Rights Legal Support Centre**.

#### Who can file an Application with the Tribunal?

You can file an Application if you believe you experienced discrimination or harassment in one of the five areas covered by the Ontario Human Rights Code (the Code). The Code lists a number of grounds for claiming discrimination and harassment. To find out if you have grounds for your complaint under the Code, read the **Applicant's Guide**.

#### What is the time limit for filing an Application?

You can file an Application up to one year after you experienced discrimination or harassment. If there was a series of events, you can file up to one year after the last event. In some cases, the Tribunal may extend this time.



# Human Rights Tribunal of Ontario

## Application under Section 34 of the Human Rights Code (Form 1)

### The discrimination happened outside Ontario. Can I still apply?

In most cases, no. To find out about exceptions, contact the Human Rights Legal Support Centre.

### My complaint is against a federal government department, agency, or a federally regulated business or service. Should I apply to the Tribunal?

No. Contact the Canadian Human Rights Commission. Web: <http://www.chrc-ccdp.ca>. Mail: 344 Slater Street, 8th Floor, Ottawa, Ontario K1A 1E1. Phone: (613) 995-1151. Toll-free: 1-888-214-1090. TTY: 1-888-643-3304. Fax: (613) 996-9661.

### Should I use this form if I am applying because a previous human rights settlement has been breached?

No. If you settled a previous human rights application and the respondent did not comply with the settlement agreement, use the special application called **Application for Contravention of Settlement, Form 18**. For a paper copy, contact the Tribunal.

### Can I file this Application if I am dealing with or have dealt with these facts or issues in another proceeding?

The Code has special rules depending on what the other proceeding is and at what stage the other proceeding is at. Read the Applicant's Guide and get legal advice, if:

1. You are currently involved in, or were previously involved in a civil court action based on the same facts and asked for a human rights remedy; or
2. You have ever filed a complaint with the Ontario Human Rights Commission based on the same subject matter; or
3. You are currently involved in, or were previously involved in another proceeding (for example, union grievance) based on the same facts.

### How do I file an Application on behalf of another person?

To file an application on behalf of another person, you must complete and file this Application (Form 1) as well one other form:

- Form 4A if you are filing on behalf of a minor;
- Form 4B if you are filing on behalf of a mentally incompetent person; or
- Form 27 for all other situations where you are filing on behalf of someone else.

When completing this Application, you must check the box in Question 1 that indicates you are filing an Application on Behalf of Another Person. You must provide your name and contact information in Question 1.

The completed Form 4A, Form 4B or Form 27 can be attached to your Application or sent to the Tribunal separately by mail, fax or email. If sent separately, it must be sent within **five (5) days** following the filing of your Application.

For more information on applications on behalf of another person, please see the following Practice Directions:

- Practice Direction on filing application on behalf of another person under section 34(5) of the Code
- Practice Direction on Litigation Guardians before Social Justice Tribunals Ontario

**Note:** If you are a lawyer or other legal representative providing representation to the applicant, do not use the Form 4A, Form 4B or Form 27. Your details should be provided in section 3, "Representative Contact Information," of this Application (Form 1).

### Learn more

To find out more about human rights in Ontario, visit [www.ohrc.on.ca](http://www.ohrc.on.ca) or phone 1-800-387-9080.





# Human Rights Tribunal of Ontario

## Application under Section 34 of the Human Rights Code (Form 1)

**Instructions:** Complete all parts of this form, using the Applicant's Guide for help. If your form is not complete, the Tribunal may return it to you. This will slow down the application process. At the end of this form, you will be required to read and agree to a declaration that the information in your Application is complete and accurate (if you are a lawyer or legal representative assisting an applicant with this Form 1, please see the Practice Direction On Electronic Filing of Applications and Responses By Licensed Representatives).

### Contact Information for the Applicant

#### 1. Personal Contact Information

Check here if you are filing an Application on Behalf of Another Person. **Note:** you must also complete a Form 4A, Form 4B or Form 27, whichever is applicable, see Instructions above.

Please give us your personal contact information. This information will be shared with the respondent(s) and all correspondence from the Tribunal and the respondent(s) will go here. If you do not want the Tribunal to share this contact information, you should complete section 2, below, but you must still provide your personal contact information for the Tribunal's records.

*First Name		Middle Name	*Last Name	
PLEASE SEE ATTACHED LIST				
Street #	Street Name			Apt/Suite
City/Town	Province	Postal Code	Email	
	Ontario			
Daytime Phone (e.g. 999-999-9999)	Cell Phone (e.g. 999-999-9999)	Fax (e.g. 999-999-9999)	TTY (e.g. 999-999-9999)	

What is the best way to send information to you?

(If you check email, you are consenting to delivery of documents by email)

Mail

Email

Fax



# Human Rights Tribunal of Ontario

## 2. Alternative Contact Information

If you want the Tribunal and respondent(s) to contact you through another person, you must provide contact information for that person below. You should fill this section out if it will be difficult for the Tribunal to reach you at the address above or if you want the Tribunal to keep your contact information private. If you complete this section, all of your correspondence will be sent to you in care of your Alternative Contact.

First (or Given) Name		Middle Name	Last (or Family) Name	
Street #	Street Name			Apt/Suite
City/Town	Province Ontario	Postal Code	Email	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

What is the best way to send information to you at your alternative contact? (If you check email, you are consenting to delivery of documents by email)  Mail  Email  Fax

## 3. Representative Contact Information

Complete this section only if you are authorizing a lawyer or another Representative to act for you.

I authorize the named organization and/or person to represent me

My representative is:

<input checked="" type="checkbox"/> Lawyer	LSUC# 23685L
<input type="checkbox"/> Paralegal	LSUC#
<input type="checkbox"/> Legal Support Centre	

Other- please specify the Nature of Exemption from licensing requirements in the text below:

Nature of Exemption (e.g. family member, unpaid friend)



# Human Rights Tribunal of Ontario

Please choose the type of Representative:  A) Organizational Representative  B) Individual Representative

## A) Organizational Representative

Full Name of Representative Organization

Cambridge LLP

Name of the Contact Person from the Organization

First (or Given) Name Last (or Family) Name

R. Douglas Elliott

Street # Street Name Apt/Suite

31 Nova Scotia Walk 307

City/Town Province Postal Code Email  
Elliot Lake Ontario P5A 1Y9 dellott@cambridgellp.com

Daytime Phone (i.e. 999-999-9999) Cell Phone (i.e. 999-999-9999) Fax (i.e. 999-999-9999) TTY (i.e. 999-999-9999)  
705-578-5080 705-578-3641

What is the best way to send information to your representative?  
(If you check email, you are consenting to delivery of documents by email)  Mail  Email  Fax

## Contact Information for the Respondent(s)

### 4. Respondent Contact Information

Provide the name and contact information for any respondent against which you are filing this Application.

Please choose the type of respondent:  A) Organization Respondent  B) Individual Respondent

### A) Organization Respondent

Name the organization you believe discriminated against you. You should also indicate the contact person from the organization to whom correspondence can be addressed.



# Human Rights Tribunal of Ontario

Full Name of Organization

Township of EMO

### Name of the Contact Person from the Organization

First (or Given) Name	Last (or Family) Name	Title
Bridget	Foster	CAO/Clerk-Treasurer

Street #	Street Name	Apt/Suite
39	Roy Street	PO Box 520

City/Town	Province	Postal Code	Email
Emo	Ontario	P0W 1E0	bfoster@emo.ca

Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)
807-482-2378		807-482-2741	

Are there any additional respondents?  Yes  No

### Additional Respondent Contact Information

Please choose the type of respondent:  Organization Respondent  Individual Respondent

### Additional Individual Respondent

Name the person you believe discriminated against you (the Respondent).

First (or Given) Name	Middle Name	Last (or Family) Name
Harold		McQuaker



Ontario

# Human Rights Tribunal of Ontario

Street #	Street Name	Apt/Suite		
	Same as Applicant 1			
City/Town	Province	Postal Code	Email	
	Ontario		hmcquaker@emo.ca	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

Please choose the type of respondent:       Organization Respondent       Individual Respondent

### Additional Individual Respondent

Name the person you believe discriminated against you (the Respondent).

First (or Given) Name	Middle Name	Last (or Family) Name		
Harrold		Boven		
Street #	Street Name	Apt/Suite		
	Same as Applicant 1			
City/Town	Province	Postal Code	Email	
	Ontario		hboven@emo.ca	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

Please choose the type of respondent:       Organization Respondent       Individual Respondent

### Additional Individual Respondent

Name the person you believe discriminated against you (the Respondent).

First (or Given) Name	Middle Name	Last (or Family) Name		
Warren		Toles		



# Human Rights Tribunal of Ontario

Street #	Street Name	Apt/Suite		
	Same as Applicant 1			
City/Town	Province	Postal Code	Email	
	Ontario		wtoles@emo.ca	
Daytime Phone (i.e. 999-999-9999)	Cell Phone (i.e. 999-999-9999)	Fax (i.e. 999-999-9999)	TTY (i.e. 999-999-9999)	

Add Another Respondent

## Grounds of Discrimination

### 5. Grounds Claimed

The Ontario Human Rights Code lists the following grounds of discrimination or harassment. Put an "X" in the box beside each ground that you believe applies to your Application. You can check more than one box.

- Race
- Colour
- Ancestry
- Place of Origin
- Citizenship
- Ethnic Origin
- Disability
- Creed
- Sex, Including Sexual Harassment and Pregnancy
- Sexual Solicitation or Advances
- Sexual Orientation
- Gender Identity
- Gender Expression
- Family Status
- Marital Status
- Age
- Receipt of Public Assistance (Note: This ground applies only to claims about Housing)
- Record of Offences (Note: This ground applies only to claims about Employment)
- Association with a Person Identified by a Ground Listed Above
- Reprisal or Threat of Reprisal



# Human Rights Tribunal of Ontario

## Areas of Discrimination under the Code

### 6. Area of Alleged Discrimination

The Ontario *Human Rights Code* prohibits discrimination in five areas. Put an "X" in the box beside the area where you believe you have experienced discrimination (choose one). Read the Applicant's Guide for more information on each area.

- Employment (Complete Form 1-A)
- Housing (Complete Form 1-B)
- Goods, Services and Facilities (Complete Form 1-C)
- Contracts (Complete Form 1-D)
- Membership in a Vocational Association (Complete Form 1-E)

Does your Application involve discrimination in other areas?  Yes  No

If "Yes", put an "X" in the box beside any other area where you believe you experienced discrimination:

- Employment     Housing     Goods, Services or Facilities     Contracts     Vocational Association

## Facts that Support Your Application

### 7. Location and Date (see Applicant's Guide )

Please answer the following questions.

a) *Did these events happen in Ontario?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
b) In what city/town?	Emo Township, ON	
c) *What was the date of the last event? (dd/mm/yyyy)	26/05/2020	
d) If you are applying more than one year from the last event, please explain why:		

### 8. What Happened



# Human Rights Tribunal of Ontario

\*In the space below, describe each event you believe was discriminatory.

For each event, be sure to say:

- **What** happened
- **Who** was involved
- **When** it happened (day, month, year)
- **Where** it happened

Be as complete and accurate as possible. Be sure to give details of every incident of discrimination you want to raise in the hearing.

Please see attached Schedule "A" and exhibits.

## The Effect on You

### 9. How the Events You Described Affected You

\*Tell us how the events you described affected you. What was the effect (e.g. were there financial, social, emotional or mental health, or any other)?

Please see attached Schedule "A" and exhibits.

## The Remedy

### 10. The Remedy You are Asking For (see Applicant's Guide)

Put an "X" in the box beside each type of remedy you are asking the Tribunal to order. Explain why you are asking for this remedy in the space below.

**Monetary Compensation**

Enter the Total Amount \$45,000

Explain below how you calculated this amount:

Hudler v London (City), [1997] OHRBID No. 23 – individual claimant awarded \$10,000 jointly and severally from the Mayor and City. With inflation, that is roughly \$15,000.

Seeking compensation on the following basis:

\$15,000 from the municipality;

\$10,000 from the Mayor;

\$10,000 from Councilor Boven;





# Human Rights Tribunal of Ontario

\$10,000 from Councilor Toles.

And an order that the councilors and mayor pay the funds, personally, rather than seek indemnification from the Municipality.

**Non-Monetary Remedy-Explain below:**

**Remedy for Future Compliance (Public Interest Remedy)-Explain below:**

An order requiring the Respondents to receive training on diversity, inclusion and human rights, with a focus on LGBTQ2 issues;

An order requiring each of the Respondents to prepare a written reflection on LGBTQ2 rights of at least 500 words;

An order requiring the Municipality to publish an unreserved apology to the LGBTQ2 community, and that the apology be read at the counsel meeting following the Tribunal's decision;

An order requiring the Municipality to install signage at the entrance to the Town Hall affirming its obligations under the Code;

An order requiring the Municipality to specifically address LGBTQ2 discrimination in its Code of Conduct;

An order that the Municipality retroactively proclaim June, 2020 as Pride Month in Emo Township;

An order that the Municipality continue to proclaim June as Pride Month in Emo Township in future years;

An order that the Municipality fly, raise or display the Rainbow Flag for one week, on a week to be chosen by Borderland Pride, notwithstanding any flag policy or protocol that the Municipality may have to the contrary;

Costs in the Application;

Please see the attached Schedule "A" for details on these requests.

## Mediation

### 11. Choosing Mediation to Resolve Your Application

Mediation is one of the ways the Tribunal tries to resolve disputes. It is a less formal process than a hearing. Mediation can only happen if both parties agree to it. A Tribunal Member will be assigned to mediate your Application. The Member will meet with you to talk about your Application. The Member will also meet with the respondent(s) and will try to work out a solution that both sides can accept. If Mediation does not settle all the issues, a hearing will still take place and a different Member will be assigned to hear the case. Mediation is confidential.

Do you agree to try mediation?  Yes



# Human Rights Tribunal of Ontario

## Other Legal Proceedings

### 12. Civil Court Action (see Applicant's Guide)

Note: If you answer "Yes" to any of these questions, you must send a copy of the statement of claim that started the court action.

\*a) Has there been a court action based on the same facts as this Application?  Yes (Answer 12b)  No (Go to 13)

### 13. Complaint Filed with the Ontario Human Rights Commission (see Applicant's Guide)

Note: If you answer "Yes", you must attach a copy of the complaint.

\*Have you ever filed a complaint with the Commission based on the same facts as this Application?  Yes  No

### 14. Other Proceeding - in Progress (see Applicant's Guide)

Note: If you answer "Yes" to question "14a" you must attach a copy of the document that started the other proceeding.

\*a) Are the facts of this Application part of another proceeding that is still in progress?  Yes (Answer 14b)  No (Go to 15)

b) Describe the other proceeding:

<input type="checkbox"/> A union grievance	Name of Union:	
<input type="checkbox"/> A claim before another board, tribunal or agency	Name of board, tribunal, or agency:	
<input type="checkbox"/> Other	Explain what the other proceeding is:	



# Human Rights Tribunal of Ontario

\*c) Are you asking the Tribunal to defer (postpone) your Application until the other proceeding is completed?

Yes

No

## 15. Other Proceeding - Completed (see Applicant's Guide)

Note: If you answer is "Yes" to question "15a" you must attach a copy of the document that started the other proceeding and a copy of the decision from the other proceeding.

\*a) Were the facts of this Application part of some other proceeding that is now completed?

Yes (Answer Question 15b)

No (Go to 16)

b) Describe the other proceeding:

A union grievance      Name of Union:

A claim before another board, tribunal or agency      Name of board, tribunal, or agency:

Other      Explain what the other proceeding is:

c) Explain why you believe the other proceeding did not appropriately deal with the substance of this Application.



# Human Rights Tribunal of Ontario

## Documents that Support this Application

### 16. Important Documents You Have

If you have documents that are important to your Application, list them here. List only the most important. Indicate whether the document is privileged. See the [Applicant's Guide](#).

**Note:** You are not required to send copies of these documents at this time. However, if you decide to attach copies of the documents you list below to your Application they will be sent to the other parties to the Application along with your Application.

Document Name	Why It is Important to My Application
Please see the attached Table of Exhibits to Schedule "A."	

[Add more Documents](#)

### 17. Important Documents the Respondent(s) Have

If you believe the respondent(s) have documents that you do not have that are important to your Application, list them here. List only the most important.

Document Name	Why It is Important To My Application	Name of Respondent Who Has It
Minutes, transcripts, or other recordings of the May 12, 2020 and May 26, 2020 council meetings.	They will accurately reflect the debate held at the council meeting on those dates.	Township of Emo

[Add more Documents](#)

### 18. Important Documents Another Person or Organization Has

If you believe another person or organization has documents that you do not have that are important your Application, list them here. List only the most important.

Document Name	Why it is Important to my Application	Name of Person or Organization who has it
Unknown		





# Human Rights Tribunal of Ontario

Add more Witnesses

## Other Important Information

### 20. Other Important Information the Tribunal Should Know

Is there any other important information you would like to share with the Tribunal?

## Checklist of Required Documents

### 22. Other Documents from Questions 12 to 15

Confirm whether you are sending the Tribunal any of the following documents:

- A copy of a statement of claim (from Question 12)
- A copy of a complaint filed with the Ontario Human Rights Commission (from Question 13)
- A copy of a document that started another proceeding based on these facts (from Question 14 or 15)
- A copy of a decision from another proceeding based on these facts (from Question 15)

## Application to the Human Rights Tribunal of Ontario Area of Discrimination: Goods, Services and Facilities (Part 1-C)

Note: Complete this form if you believe you were discriminated against in the area of goods, services and facilities.

### PART I

## Questions About the Service, Good or Facility

**C1.** Put an "X" beside the point that best describes the service, good or facility that this Application is based on.



# Human Rights Tribunal of Ontario

- Income support
- Store
- Education & training
- Theatre
- Police services
- Insurance
- Medical/health services
- Public transportation
- Sporting or other recreational facility
- Retail
- Government, please describe:

Borderland Pride, and by extension the LGBTQ2 community of Northern Ontario, were refused a proclamation by the Mayor and Council of the Township of Emo to proclaim June as Pride Month in the Township.

Other, please describe:

## **C2.** Complete this section only if your Application is about a practice or policy.

Tell us what the practice or policy you are complaining about is and explain how it relates to equal treatment with respect to services, goods and facilities.

## **C3.** Complete this section only if your Application is about a law.

Tell us what the law you are complaining about is and explain how it relates to equal treatment with respect to services, goods and facilities.



# Human Rights Tribunal of Ontario

## Questions About Complaining to Someone in Authority

Complete this section only if you complained to someone in authority about the alleged discrimination.

**C4.** To whom did you complain?

See attached Schedule "A."

**C5.** Was there an investigation?

Yes

No (Go to Part II)

**a)** If you answered "Yes" to C5, what was the outcome of the investigation?

## PART II

The following Part asks you to answer how you believe you were discriminated against based on grounds you identified. If you believe that you were discriminated against based on more than one ground, fill out all the sections that apply.

## Questions About Discrimination on the Ground of Creed (Faith, Religion or System of Beliefs)

Complete this section only if you believe that you have been discriminated against on the ground of creed (faith, religion or system of beliefs)

**C13.** Explain why you believe you were discriminated against based on your creed.

The Mayor and Councilors defended their position, in part, on the basis of the "good, Christian" nature of Emo. The implication of this statement is that one cannot be both a Christian and a member of the LGBTQ2 community. This is categorically false. The Mayor and Councilors are attempting to impose their own interpretation of Christianity on others.

**C14.** Please describe your creed.

The complainants are of diverse faith backgrounds, including Christianity.





# Human Rights Tribunal of Ontario

## Questions About Discrimination on the Grounds of Sex, Pregnancy, Gender Identity or Gender Expression

Complete this section only if you believe that you have been discriminated against on the grounds of sex, pregnancy, gender identity or gender expression.

**C15.** Is your Application about discrimination on the ground of pregnancy?  Yes  No

**C16.** Explain why you believe you were discriminated against based on your sex, pregnancy, gender identity. Borderland Pride, who requested the proclamation, is an LGBTQ2 pride organization. Its members are LGBTQ2 persons and their allies. The proposed resolution was to declare June as Pride Month. Proclamations are ordinarily granted to those who seek them. Pride proclamations are made in most municipalities in Ontario.

The Mayor's invocation of "straight pride" demonstrates a prejudice against the LGBTQ2 community; his vote against the proclamation was made on that basis. Furthermore, the Mayor subsequently defended his decision with negative references to "LGBTQ2 lifestyles" and referring to Emo as a "good, Christian" community, saying that the good Christians of Emo far outweigh "the gays." This condemnation and derogatory language, coupled with an invocation of his personal spirituality, further suggest that his decision was based on prejudice toward the LGBTQ2 community.

Councilor Toles refused to support the motion as proposed and wanted all language supportive of LGBTQ2 people removed, suggesting a prejudice toward that community; the refusal to grant this amendment (and his attendant prejudice) formed the basis for his "nay" vote.

Although Councilor Boven attempted to have the matter adjourned on procedural grounds, we reasonably believe his motivations to be based in prejudice as well.

**C17.** Please identify your sex or describe your gender identity or gender expression.  
LGBTQ2

## Questions About Discrimination on the Ground of Sexual Orientation

Complete this section only if you believe that you have been discriminated against on the ground of sexual orientation.

**C20.** Explain why you believe you were discriminated against based on your sexual orientation.  
See C 16.

**C21.** Please describe your sexual orientation.  
See C 17.



# Human Rights Tribunal of Ontario

## Questions About Discrimination on the Grounds of Family or Marital Status

Complete this section only if you believe that you have been discriminated against on the grounds of family or marital status.

**C22.** Explain why you believe you were discriminated against based on your family or marital status.  
See C 16.

**C23.** Please describe your family or marital status.  
See C 17.

## Declaration and Signature

### 23. Declaration and Signature

**Declaration:**

To the best of my knowledge, the information in my Application is complete and accurate.

\*Signature Date (dd/mm/yyyy)

19 / 06 / 2020

\*Please check this box if you are filing your Application electronically. This represents your signature. You must fill out the date, above.

### Accommodation Required

If you require accommodation of Code-related needs please contact the Registrar at:

- Email: [HRTO.Registrar@ontario.ca](mailto:HRTO.Registrar@ontario.ca)
- Phone: 416-326-1519 Toll-free: 1-866-598-0322
- Fax: 416-326-2199 Toll-free: 1-866-355-6099
- TTY: 416-326-2027 Toll-free: 1-866-607-1240

### Collection of Information:

Under the Ontario *Human Rights Code*, the Human Rights Tribunal of Ontario (HRTO) has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the HRTO uses your personal information, contact the HRTO at 416-326-1312 or 1-866-598-0322 (toll-free.)



Ontario

# Human Rights Tribunal of Ontario

[Submit to HRTO](#)

[Print Form](#)

**Note: Only file your Application once. If the Tribunal receives your application more than once, it will only accept the first Application Form received.**

**ONTARIO  
HUMAN RIGHTS TRIBUNAL**

QUESTION 1. Applicant's Personal Contact Information

**Borderland Pride**

c/o Douglas W. Judson  
PO Box 105  
Fort Frances, ON  
P9A 3M5

Cell: (807) 861-3684  
[borderlandpride@gmail.com](mailto:borderlandpride@gmail.com)

**Douglas W. Judson**

700 Victoria Avenue  
Fort Frances, ON  
P9A 2C8

Cell: (807) 861-3684  
[info@douglasjudson.ca](mailto:info@douglasjudson.ca)

**Kathryn L. Shoemaker**

27 Emo Road  
Emo, ON  
P0W 1E0

Cell: (807) 271-0967  
[katieshoemaker7@gmail.com](mailto:katieshoemaker7@gmail.com)

**Northern Ontario Pride Network**

c/o Gregory Lawrence  
31 Nova Scotia Walk, Suite 307  
Elliot Lake, ON  
P5A 1Y9

Work: (705) 578-3642  
[greg@nopn.ca](mailto:greg@nopn.ca)

**ONTARIO  
HUMAN RIGHTS TRIBUNAL**

B E T W E E N :

BORDERLAND PRIDE, the NORTHERN ONTARIO PRIDE NETWORK,  
DOUGLAS W. JUDSON, and KATIE SHOEMAKER

Applicants

- and -

THE TOWNSHIP OF EMO, HAROLD McQUAKER,  
HARROLD BOVEN, and WARREN TOLES

Respondents

**SCHEDULE “A” TO THE APPLICATION**

**1. Overview**

1. The applicants Borderland Pride [**“BP”**], the Northern Ontario Pride Network [**“NOPN”**], Douglas W. Judson, and Katie Shoemaker [together, **“Applicants”**] commence this application under section 34 of the *Human Rights Code* [**“Code”**].<sup>1</sup>
2. BP is an LGBTQ2<sup>2</sup> Pride organization in Northwestern Ontario that organizes programming and events that promote LGBTQ2 diversity and inclusion and the equality of LGBTQ2 people in the communities of the Rainy River District, including the respondent Township of Emo [**“Municipality”**].
3. The Municipality provides the service of adopting resolutions from its council [**“Council”**] for various community organizations, causes, and events of significance. It has routinely done so, like many municipalities, for several community initiatives.

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<sup>1</sup> *Human Rights Code*, R.S.O. 1990, c. H.19 [**“Code”**] at s. 34.

<sup>2</sup> LGBTQ2 is an acronym referring to lesbian, gay, bisexual, trans, queer/questioning, and two-spirit.

4. In 2018, 2019, and 2020, BP requested resolutions from the Municipality proclaiming certain dates in celebration of Pride, and affirming the inclusion, equality, and acceptance of LGBTQ2 people in the community.
5. In 2018, the Council adopted the resolution as presented.
6. In 2019, the Council adopted the resolution, but only after deleting the resolution's LGBTQ2-supportive language and all references to LGBTQ2 people, and their inclusion and equality.
7. In 2020, the Council refused to adopt the resolution altogether. The individuals named as respondents [together, "**Individual Respondents**"] are members of the Council who voted against the resolution, causing its defeat by a recorded vote of 3-2.
8. During the debate on the resolution and in public and media comments, statements were made by the Individual Respondents which make clear that homophobia was the only reason behind the decision to deny BP their requested resolution. No legitimate, good faith reasons were ever articulated by the Municipality or the Individual Respondents for refusing to adopt the resolution in 2020.
9. By denying BP their requested resolution in 2019 and 2020 on the basis of LGBTQ2 identity and promotion of LGBTQ2 equality and social inclusion, the Municipality and the Individual Respondents discriminated against BP in the provision of a service on the basis of sexual orientation, gender identity, gender expression, family status, and creed (religion).<sup>3</sup>
10. The Applicants seek an order under section 45.2 of the *Code*, for the relief described below.<sup>4</sup>

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<sup>3</sup> *Code* at s. 1.

<sup>4</sup> *Code* at s. 45.2

## 2. Facts

### A. The Parties

11. BP is a non-profit corporation constituted under the *Canada Not-for-profit Corporations Act*.<sup>5</sup>

It is the LGBTQ2 Pride organization serving the communities of the Rainy River District, including the Town of Fort Frances, the Township of Emo, the Town of Rainy River, and several adjacent Treaty #3 First Nation communities in Northwestern Ontario.

12. NOPN is a non-profit corporation constituted under the *Canada Not-for-profit Corporations Act*.<sup>6</sup> NOPN provides a supportive network and forum for LGBTQ2 communities and their Pride organizations across Northern Ontario to connect with one another, exchange ideas, and support one another through advocacy, community-building, and to advance issues reflecting the unique challenges of LGBTQ2 people in Ontario's north.

13. Mr. Judson is a gay man who grew up in Emo, Ontario and lived there until he was 17 years old. He attended elementary school in the Municipality. His parents, grandparents, and siblings continue to live and work in the community. He lives with his same-sex partner in nearby Fort Frances, Ontario. Mr. Judson currently serves as a director on the board of BP and as co-chair of its annual Pride festival and related programming.

14. Ms. Shoemaker is a lesbian who lives in Emo, Ontario with her wife and their children. Ms. Shoemaker works as a geological technician at a mine. Her immediate and extended family live in the Emo area.

15. The Municipality is a municipal government constituted under the *Municipal Act, 2001*.<sup>7</sup>

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<sup>5</sup> *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Municipal Act, 2001*, S.O. 2001, c. 25 [*"Municipal Act"*].

16. The Individual Respondents are Mayor Harold McQuaker, Councillor Harrold Boven, and Councillor Warren Toles, who are three members of the five-member Council.<sup>8</sup>

**B. Background on Pride in the Rainy River District**

17. Pride festivals and events promote the self-affirmation, dignity, equality, and increased visibility of LGBTQ2 people as a social group. Conceptually, ‘Pride’, as opposed to shame and stigma, seeks to ameliorate the historic and continuing injustices, inequity, and persecution experienced by LGBTQ2 people, to show community support for LGBTQ2 inclusion and acceptance, and to observe the achievements, struggles, and contributions of LGBTQ2 people.

18. While Pride has been a longstanding celebration and large-scale event presence in major urban centres, it is a growing movement in rural Canada, including in the Rainy River District.

19. BP was founded as an unincorporated association, in July 2017, and became incorporated in January 2019. BP’s objectives are to:

- a. Provide information and resources to community members on LGBTQ2 issues;
- b. Build community among LGBTQ2 people and their allies in the Borderland region;
- c. Boost the visibility of LGBTQ2 people in the community;
- d. Identify, creating, and supporting programming needs for LGBTQ2A people in the region; and
- e. Advocate for LGBTQ2 equality and inclusion and promoting diversity in the community.

20. BP spearheads several events and initiatives which align with these goals. It does so in partnership with various public and private sector partners in the community. BP’s landmark

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<sup>8</sup> The other members of the council [“**Council**”] of the Township of Emo [“**Municipality**”], who are not named as respondents, are Councillor Lori-Ann Shortreed and Councillor Lincoln Dunn. Councillor Shortreed and Councillor Dunn supported the resolution requested by Borderland Pride [“**BP**”].



event (and focus of its efforts) is its annual Pride festival, which includes educational, awareness-building, artistic, entertainment, and advocacy events for community members, as well as related Indigenous programming.

21. Pride was first celebrated in the region in July 2018. June 2020 marks BP's third Pride festival.

Mr. Judson has co-chaired the Pride festival with his partner every year since BP was founded.

22. BP is a member of the NOPN.

### **C. 2018, 2019, and 2020 Requests for Municipal Resolutions**

23. In the lead up to its 2018, 2019, and 2020 Pride festivals, BP contacted the municipal councils in its catchment area with requests for resolutions proclaiming the dates of their festival (as 'Pride Week' or 'Pride Month'), affirming the community's values of diversity, inclusion, and acceptance of LGBTQ2 people, and asking that they raise or display a rainbow flag (an internationally-recognized symbol of LGBTQ2 Pride).

24. In 2018, BP wrote to the Municipality, enclosing the text of the requested resolution and a rainbow flag. The Municipality adopted the resolution, as presented.

25. In 2019, BP again wrote to the Municipality, enclosing the text of their requested resolution. The composition of the Council had since changed, as a result of the October 2018 municipal election. The current Council deleted all of the supportive language from the resolution related to LGBTQ2 people and their inclusion, and adopted their own watered-down, one-sentence version.

26. On April 29, 2020, BP wrote to the Municipality to request a resolution in support of its 2020 Pride festival. The letter, and resolution, outlined the purpose of LGBTQ2 Pride and set out the importance for local government leaders to recognize LGBTQ2 Pride and signal their sense of inclusion and welcome to LGBTQ2-identifying people.

27. BP's letter asked council to adopt the resolution declaring June as 'Pride Month' in the Municipality, and to fly, raise, or display a rainbow flag for one week in June.
28. The requested resolution was substantively similar to the one adopted by the Municipality in 2018, and the one requested in 2019.

**D. The May 12 Meeting of Council**

29. The Municipality tabled BP's letter and attached resolution for the May 12, 2020 meeting of its Council. As a result of the COVID-19 pandemic, the council meeting was held over Zoom. Members of the public were able to attend the meeting remotely.
30. When the meeting reached BP's item on the agenda, discussion was opened by Councillor Lincoln Dunn. He read from prepared remarks about why it was important for the Municipality to support this request. Councillor Dunn highlighted the need to affirm the equality and visibility of the LGBTQ2 community, to offer support to them, and to celebrate the diversity the LGBTQ2 community brings to Emo.
31. Councillor Dunn and Councillor Lori-Ann Shortreed moved and seconded the resolution, as presented by BP.
32. During discussion of the resolution:
  - a. Mayor McQuaker stated that his basis for refusing to support the requested resolution was that there was no equivalent flag or celebration for "straight Pride";
  - b. Councillor Boven attempted to delay consideration of the item to a future meeting despite having notice that it was on the agenda, and insisted that Municipality either had a policy against providing any support resolution or should adopt one (the Municipality has no such policy); and
  - c. Councillor Toles stated that he was only prepared to support a resolution similar to that from the previous year, from which all references to LGBTQ2 people were removed.

33. The Individual Respondents each cast a “nay” vote, causing the resolution to be defeated 3-2. The vote was recorded, at the request of Councillor Dunn.

**E. Events Following the May 12 Meeting**

34. After the May 12 meeting, BP issued a media release expressing its disappointment in the Council’s decision. The release outlined the importance of the Municipality’s human rights obligations and the impact that this denial would have on LGBTQ2 people (particularly the younger members of the LGBTQ2 community). Denial of this simple form of recognition has the effect of making an already isolated and vulnerable community even more so.
35. In an interview with local media, Mayor McQuaker defended his position with reference to “LGBTQ lifestyles” and the “good, Christian” community of Emo as reasons for his vote. These comments were reproduced in print and on television in the community and wider region, and were repeated in interviews with national media.

**F. Petition and Request for Reconsideration Submitted to Council**

36. Following the May 12 meeting, BP made efforts to formally communicate its concerns with the Council’s decision and to show public support for Pride, in hopes that the Council would reverse its decision.
37. On May 16, BP launched a petition on the website Change.org. Between May 16 and May 21, the petition received over 1,500 signatures, the vast majority of which were from within Northwestern Ontario. (The petition remains open, and as of this date, it has over 1,800 signatures.)
38. On May 21, BP sent the petition to the Municipality, with a covering letter asking that the Council reconsider its requested resolution from May 12 as well as the demands outlined in the petition. The covering letter was published as an open letter.

39. BP's letter also discussed the discriminatory nature of the Municipality's May 12 decision, in light of both the numerous support resolutions that were adopted by the Municipality in the past and the specific comments of the Individual Respondents. The letter repeated that Pride is essential, and that these visible signals of allyship are critically important for LGBTQ2 young people, who may be more vulnerable than their peers at this very isolated time.

#### **G. May 26 Meeting of Council**

40. At the May 26 meeting, Council discussed BP's May 21 letter. The meeting was held over Zoom and was remotely attended by members of the public, to its capacity of 100 people.

41. The Individual Respondents relied on procedural rules to refuse to reconsider the resolution, and refused to vote to reopen consideration of the resolution.

42. During the discussion in the meeting, Councillor Dunn:

- a. Explicitly pointed out the established Tribunal jurisprudence on Pride resolutions, to which Mayor McQuaker accused him of "threatening" the Council;
- b. Specifically identified some of the risk factors facing LGBTQ2 young people, including self-harm and suicide risks compared to the general population;
- c. Outlined the importance of showing that community leaders and institutions like the Municipality show their support for LGBTQ2 young people;
- d. Indicated that the May 12 decision was emboldening bigotry in the community which could lead to hatred, violence, or harassment of LGBTQ2 people; and
- e. Questioned Councillor Boven on an article from *The Banner*, a publication of the Christian Reformed Church, which indicated that Councillor Boven had sought guidance from faith leaders on "serving as a person of faith in public life."

43. The Individual Respondents refused to consider the matter further and BP's resolution remained defeated, citing "majority rules" as the basis for their decision.

## **H. Events Following May 26 Decision**

44. Shortly after the meeting, BP issued a media release expressing its disappointment in Council's decision.
45. The story was reported on by several national and regional media outlets, where Mayor McQuaker repeated his earlier comments about Emo's Christian values, stating that the number of good Christians in the community "far out rules the gays." Mayor McQuaker went as far as to say that elevated rates of suicide among LGBTQ2 youth were not an issue because he was not aware of any suicides in the Municipality, and denied the existence of LGBTQ2 discrimination in the Municipality.

### **3. Order Requested**

46. The Applicants seek an Order under section 45.2 of the *Code*:
- a. Awarding compensation to the Applicants, payable on the following basis:
    - i. \$15,000 from the Municipality;
    - ii. \$10,000 from Mayor McQuaker, personally and without recourse to the Municipality or its insurer;
    - iii. \$10,000 from Councillor Bovan, personally and without recourse to the Municipality or its insurer; and
    - iv. \$10,000 from Councillor Toles, personally and without recourse to the Municipality or its insurer;
  - b. Requiring the Individual Respondents to enroll, attend, and complete at their own expense, within six (6) months, an in-person training program on diversity, inclusion, and human rights, with a focus on LGBTQ2 issues;
  - c. Requiring each of the Individual Respondents to prepare a personal written reflection on LGBTQ2 rights, of at least five-hundred (500) words, within thirty (30) days of the

completion of the aforementioned training, to be provided to the Tribunal, the Applicants, and the Municipality;

- d. Requiring the Municipality to publish an unreserved apology to the community, in writing, within seven (7) days, in respect of their wrongful and discriminatory decision to refuse to recognize LGBTQ2 Pride, with such apology to be read at the next meeting of Council and recorded in the minutes of such meeting;
- e. Requiring the Municipality to install permanent signage at the entrance or waiting area of its main office affirming its obligations under the *Code* with specific reference to *Code*-protected bases of discrimination, with wording satisfactory to the Applicants;
- f. Requiring the Municipality to specifically address harassment and discrimination on the basis of sexual orientation, gender identity, gender expression, and family status within its *Code of Conduct*;
- g. Requiring the Municipality to proclaim June 2020 as Pride Month in their community;
- h. Requiring the Municipality to fly, raise, or display the rainbow flag at its offices (or other significant municipal location) on a week chosen by BP, notwithstanding any policy or protocol the Municipality may have to the contrary;
- i. Requiring the Municipality to continue to proclaim June as 'Pride Month' in Emo Township in future years;
- j. Awarding costs in the Application to the Applicants; and
- k. Granting such other and further relief as the Tribunal finds just.

#### **4. Authority Relied On**

47. The Tribunal will be referred to the following:

- a. The *Human Rights Code*, R.S.O. 1990, c. H.19; particularly s. 1 thereof;
- b. The *Municipal Act, 2001*, S.O. 2001 c. 25;

- c. The *Canada Not-for-profit Corporations Act*, S.C. 2009, c. 23;
- d. Township of Emo By-Law No. 2018-28, *A By-law to Amend By-law 2018-06, Being a By-law to Establish a Code of Conduct for Members of Council*; particularly Schedule “A” thereto; and
- e. Such other and further authorities as the Tribunal finds just.

**Table of Exhibits to this Schedule**

<i>Ex. No.</i>	<i>Description</i>
1	<ul style="list-style-type: none"> <li>• “Pride Guide” schedules from BP’s 2018 and 2019 Pride festivals.</li> </ul>
2	<ul style="list-style-type: none"> <li>• Media release issued by BP, dated May 3, 2020, available online at <a href="https://www.borderlandpride.org/single-post/2020/05/12/Borderland-Pride-adapts-to-pandemic">https://www.borderlandpride.org/single-post/2020/05/12/Borderland-Pride-adapts-to-pandemic</a> and <a href="https://www.facebook.com/notes/borderland-pride/borderland-pride-adapts-to-pandemic/1515546785289736/">https://www.facebook.com/notes/borderland-pride/borderland-pride-adapts-to-pandemic/1515546785289736/</a>.</li> </ul>
3	<ul style="list-style-type: none"> <li>• Letter from BP to the Municipality, dated May 22, 2019;</li> <li>• Agenda of the Council meeting, dated June 5, 2018;</li> <li>• Minutes of the Council meeting, dated June 5, 2018; and</li> <li>• Letter from the Municipality to BP, dated June 15, 2018.</li> </ul>
4	<ul style="list-style-type: none"> <li>• Letter from BP to the Municipality, dated April 22, 2019;</li> <li>• Agenda of the Council meeting, dated May 14, 2019;</li> <li>• Minutes of the Council meeting, dated May 14, 2019;</li> <li>• Letter from the Municipality to BP, dated May 22, 2019; and</li> <li>• Document showing the language removed from the requested resolution in BP’s April 22, 2019 letter.</li> </ul>
5	<ul style="list-style-type: none"> <li>• Letter from BP to the Municipality, dated April 29, 2020.</li> </ul>
6	<ul style="list-style-type: none"> <li>• Agenda for the meeting of Council held on May 12, 2020, available online at <a href="https://twspemo.on.ca/sites/twspemo.on.ca/files/Council%20Regular%20Agenda%20-May%2012%2C%202020_0.pdf">https://twspemo.on.ca/sites/twspemo.on.ca/files/Council%20Regular%20Agenda%20-May%2012%2C%202020_0.pdf</a>.</li> </ul>
7	<ul style="list-style-type: none"> <li>• Copy of a Facebook post made by Councillor Dunn, dated May 12, 2020, in which he reproduced the full-text of his remarks, available online at <a href="https://www.facebook.com/liquado/posts/10163629461845788">https://www.facebook.com/liquado/posts/10163629461845788</a>.</li> </ul>
8	<ul style="list-style-type: none"> <li>• Article from the <i>Fort Frances Times</i>, by Megan Walchuk, entitled “Pride deferred by Emo council,” dated May 13, 2020, available online at <a href="https://www.ftime.com/news/local/news/pride-deferred-emo-council">https://www.ftime.com/news/local/news/pride-deferred-emo-council</a>.</li> </ul>
9	<ul style="list-style-type: none"> <li>• Media release issued by BP on May 12, 2020, available online at <a href="https://www.borderlandpride.org/single-post/2020/05/12/Emo-town-council-rejects-Pride-proclamation">https://www.borderlandpride.org/single-post/2020/05/12/Emo-town-council-rejects-Pride-proclamation</a> and <a href="https://www.facebook.com/notes/borderland-pride/emo-town-council-rejects-pride-proclamation/1523404537837294/">https://www.facebook.com/notes/borderland-pride/emo-town-council-rejects-pride-proclamation/1523404537837294/</a>.</li> </ul>
10	<ul style="list-style-type: none"> <li>• Article from <i>TBnewswatch</i>, by Leith Dunick, entitled “Emo Mayor defends decision not to declare Pride Month,” dated May 16, 2020, available online at <a href="https://www.tbnewswatch.com/local-news/emo-mayor-defends-decision-not-to-declare-pride-month-2353906">https://www.tbnewswatch.com/local-news/emo-mayor-defends-decision-not-to-declare-pride-month-2353906</a>.</li> </ul>
11	<ul style="list-style-type: none"> <li>• Screenshot of the petition “Demand Emo Town Council Recognize LGBTQ2 Pride!” from the website <i>Change.org</i>, available online at <a href="http://www.change.org/EmoPrideNow">www.change.org/EmoPrideNow</a>.</li> </ul>
12	<ul style="list-style-type: none"> <li>• Letter from BP to the Municipality, dated May 21, 2020 (and enclosing a copy of the petition and comments from petition supporters).</li> </ul>
13	<ul style="list-style-type: none"> <li>• Copy of the letter from Exhibit “12”, as published by BP on Facebook on May 21, 2020, available online at <a href="https://www.facebook.com/notes/borderland-pride/open-letter-and-petition-to-township-of-emo/1530514553792959/">https://www.facebook.com/notes/borderland-pride/open-letter-and-petition-to-township-of-emo/1530514553792959/</a>.</li> </ul>



Ex. No.	Description
14	<ul style="list-style-type: none"> <li>• Agenda for the meeting of Council held on May 26, 2020, available online at <a href="https://twspemo.on.ca/sites/twspemo.on.ca/files/Council%20Regular%20Agenda%20-May%2026%2C%202020_2.pdf">https://twspemo.on.ca/sites/twspemo.on.ca/files/Council%20Regular%20Agenda%20-May%2026%2C%202020_2.pdf</a>.</li> </ul>
15	<ul style="list-style-type: none"> <li>• Article from <i>The Banner</i>, by Alissa Vernon, entitled, “Three CRC Members Elected to Ontario Township Council,” dated December 28, 2018, available online at <a href="https://www.thebanner.org/news/2018/12/three-crc-members-elected-to-ontario-township-council">https://www.thebanner.org/news/2018/12/three-crc-members-elected-to-ontario-township-council</a>; and</li> <li>• Christian Reform Church’s position statement on homosexuality, available at <a href="https://www.crcna.org/welcome/beliefs/position-statements/homosexuality">https://www.crcna.org/welcome/beliefs/position-statements/homosexuality</a>.</li> </ul>
16	<ul style="list-style-type: none"> <li>• Media release issued by BP on May 26, 2020, available online at <a href="https://www.borderlandpride.org/single-post/2020/05/26/Emo-town-council-sticks-to-discriminatory-decision-on-Pride-resolution">https://www.borderlandpride.org/single-post/2020/05/26/Emo-town-council-sticks-to-discriminatory-decision-on-Pride-resolution</a> and <a href="https://www.facebook.com/notes/borderland-pride/emo-town-council-sticks-to-discriminatory-decision-on-pride-resolution/1535107046667043/">https://www.facebook.com/notes/borderland-pride/emo-town-council-sticks-to-discriminatory-decision-on-pride-resolution/1535107046667043/</a>.</li> </ul>
17	<ul style="list-style-type: none"> <li>• Article from the <i>Toronto Star</i>, by Emma Teitel, entitled “There will be no Pride month in tiny Emo. Northwestern Ontario town’s decision sparks anger, disappointment,” dated May 29, 2020, available online at <a href="https://www.thestar.com/opinion/star-columnists/2020/05/29/there-will-be-no-pride-month-in-tiny-emo-northwestern-ontario-towns-decision-sparks-anger-disappointment.html">https://www.thestar.com/opinion/star-columnists/2020/05/29/there-will-be-no-pride-month-in-tiny-emo-northwestern-ontario-towns-decision-sparks-anger-disappointment.html</a>.</li> </ul>
18	<ul style="list-style-type: none"> <li>• Article from TVO, by Jon Thompson, entitled “Why a northern Ontario group is declaring that Pride Lives Here,” dated June 1, 2020, available online at <a href="https://www.tvo.org/article/why-a-northern-ontario-group-is-declaring-that-pride-lives-here">https://www.tvo.org/article/why-a-northern-ontario-group-is-declaring-that-pride-lives-here</a>.</li> </ul>
19	<ul style="list-style-type: none"> <li>• Article from the <i>Fort Frances Times</i>, by Megan Walchuk, entitled, “Pride passed over in Emo,” dated May 27, 2020, available online at <a href="https://www.fftimes.com/news/local/news/pride-passed-over-emo">https://www.fftimes.com/news/local/news/pride-passed-over-emo</a>.</li> </ul>

June 29, 2020

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SENT VIA EMAIL TO [hrto.registrar@ontario.ca](mailto:hrto.registrar@ontario.ca)

Jacqueline Baines  
Assistant Registrar, HRTO  
655 Bay Street, 14<sup>th</sup> Floor  
Toronto, ON  
M7A 2A3

Dear Ms. Baines,

**RE: Application Package filed June 19, 2020**

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I write further to your email of June 26, 2020 to seek clarification on the alleged deficiency in my Application to the HRTO, submitted on June 19, 2020.

Subsection 34(1) of the *Human Rights Code* provides that any “person” may apply to the HRTO for an order who “believes that any of his or her rights under Part I have been infringed.”

Each of the applicants is a “person” for the purposes of the *Code*. Part V of the *Code* states that “person” has the meaning given to it under Part VI of the *Legislation Act*. Section 86 of the *Legislation Act* provides that “person” includes a corporation. Two of the applicants, Mr. Judsen and Ms. Shoemaker, are individuals and “persons” under the *Code*. The other two applicants are Not-for-Profit Corporations and “persons” under the *Code*.

Each of the applicants believes that their rights under Part I of the *Code* have been infringed. The factual underpinnings of those allegations are detailed in the Form 1 submitted on June 19, 2020. The applicants allege that the respondents violated their right to receive public services free of discrimination, which is protected by section 1 of the *Code*.

Furthermore, section 34(4) of the *Code* provides that “Two or more persons who are each entitled to make an application under subsection (1) may file the applications jointly...” Each of the applicants would be entitled to pursue the case individually, but they have elected to join their claims into one proceeding.

I see no deficiency in the way we have outlined our applicants for this proceeding.

Page 2 of 2  
June 29, 2020

You have also alleged that we failed to properly file the Form 27 consent on behalf of the applicants. Page two of Form 1 states that "If you are a lawyer...do not use the...Form 27." I am a lawyer. Pursuant to the HRTTO's own instructions on its own form, a Form 27 is not required in these circumstances. Nevertheless, this instruction on the Form 1 appears to be inconsistent with the Rules of Procedure for the HRTTO. Rule 6.8 states that "An application filed on behalf of another person...must be filed together with the signed Consent in Form 27." We relied on the instruction in the Form 1 in submitting our application.

Please advise which instruction ought to be followed.

I would appreciate clarification on these matters before I respond to your request.

Yours truly,  
**CAMBRIDGE LLP**  
Per:



R. Douglas Elliott, LSM  
RDE/tp